

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The main claim has been amended by insertion into it of the subject matter of claim 20. Entry of this amendment is therefore in order because it does not open up any new issues, reduces the number of claims, and places the case either in better shape for appeal or in condition for allowance.

Reconsideration and withdrawal of the final rejection based on US patent 6,543,337 of Brown is in order because this reference lacks structure explicitly recited in claims 18 and 29.

More specifically Brown has a fan 10 that sucks air in through a tube 6 mounted above and outside the housing so as to sample the air rising from inside the housing. Brown does not show, in the words of claim 18 "partitions in the housing defining underneath the load opening outer walls of an internal cooking chamber adapted to hold an object to be toasted and inner walls of a passage extending between the openings, around the cooking chamber, and along inside surfaces of outside walls of the housing." The tube 6 of Brown is almost entirely outside the housing and in no way defines the cooking chamber and also a passage "around the cooking chamber and along inside surfaces of outside walls of the housing." At best, Brown shows a passage that

extends partially inside the housing, nothing resembling structure forming outer walls of a cooking chamber and inner walls of a cooling passage. The structure defined in claims 18 and 29 is not, by any stretch of the imagination, seen in Brown, so that the §102 rejection must fall.

Going further, nothing in Brown suggests providing the housing with internal partitions defining a cooling passage surrounding the cooking chamber so as to cool outside walls of the housing. Instead all Brown is interested in is detecting whether the toast is being burnt so that the toaster can shut down. This is done by sampling air rising from the load opening and testing it.

There is clearly an invention here.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
by: Andrew Wilford, 26,597  
Attorney for Applicant

23 June 2006  
5676 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: (718) 884-6600  
Fax: (718) 601-1099

Enclosure: None.